

**REPORT - PLANNING COMMISSION MEETING
December 8, 2005**

Project Name and Number: Qureshi Tentative Parcel Map 8811 (PLN2006-00043)

Applicant: Satish Narayan

Proposal: To consider the subdivision of one lot at the corner of Yakima Drive and Ocotillo Court into two parcels.

Recommended Action: Approve based on findings and subject to conditions.

Location: 46970 Ocotillo Court in the Warm Springs Planning Area

Assessor Parcel Number: 519-1662-007-00

Area: Existing 45,302 square foot lot, proposed to be subdivided into 27,911 and 17,451 square foot lots

Owner: Jawad Qureshi

Consultant(s): Satish Narayan and Ralph Masloff, GLA Engineering

Environmental Review: Categorically exempt per CEQA Section 15315, Minor Land Division

Existing General Plan: Low-Density Residential, three to five dwelling units per acre

Existing Zoning: R-1-10 (H-I) Single-Family Residential in the Hillside Combining District Overlay

Existing Land Use: Single Family Residence

Public Hearing Notice: Public hearing notification is applicable. A total of 111 notices were mailed to owners and occupants of property within 1,000 feet of the site on the following streets: Aloe Court, Caliente Way, Cloverleaf Court, Joshua Place, Ocotillo Court, Sumac Way, Wooded Hills Court, Woodside Terrace, Yakima Drive, and Zapotec Drive. The notices to owners and occupants were mailed on November 23, 2005. A Public Hearing Notice was delivered to *The Argus* on November 21, 2005 to be published by November 24, 2005.

Executive Summary: The applicant proposes to subdivide a 1.04-acre lot at the southeast corner of the intersection of Yakima Drive and Ocotillo Court into two parcels. Achievement of zoning code compliance requires removal of a garage and family room on the existing home. The end result would be a slightly irregular rectangular parcel on the corner and a pie-shaped parcel fronting on Ocotillo Court, both of which would meet zoning standards for the district.

Background and Previous Actions: On August 16, 1977, the approval of Tract Map 3723 created the 39-lot subdivision east of Highway 680 near Warren Road commonly known as the "Glenmoor Hills." Generally, the lots were large relative to the applicable single-family residential zoning district's [R-1-10 (H-I)] 10,000 square foot minimum lot size. Proposals to further subdivide certain lots on Ocotillo Court have been considered because the lots are built at a far lower density than the existing zoning and general plan could support. The previous owner of the subject property attempted to subdivide it into three parcels, but withdrew the application after a third-party appeal of Planning Commission's denial of Tentative Parcel Map 8244.

Project Description: The applicant proposes to create two lots out of the one 45,302 square foot lot now existing. Lot One would be the corner lot adjacent to Yakima Drive, and Lot Two would front on Ocotillo Court. Both would have front yards and driveways oriented toward Ocotillo Court. In order to meet the minimum requirements of the single family residential hillside combining [R-1-10 (H-I)] zoning district, the applicant proposes property lines meeting at a point near the center of the existing parcel and angling towards Yakima Drive, so as to preserve the entire pool and a majority of the

existing single family home within the newly-created Lot Two. The garage will need to be rebuilt in a new location on Lot Two, which will retain significant available side yard area upon which to build.

Project Analysis:

General Plan Conformance: The existing General Plan land use designation for the project site is Low-density Residential (three to five dwelling units per acre). The proposed project is more consistent with the existing General Plan land use designation for the project site because the site, which is just over one acre, is being increased in density upward from 0.96 units per acre to 1.92 units per acre. The average density (dwelling units per gross acres) of the lots on Ocotillo Court is currently about 0.67 dwelling units per acre. This is most similar to the General Plan's "Very Low" density range. However, the Hillside Combining Overlay District requires an increase in lot area and width (which necessarily reduces density) based on a calculation of lot slope. The following General Plan Goals are applicable to the proposed project:

Fundamental Goal F-2: An harmonious blend of the natural and built environments

This goal discusses the need for "careful review of development proposal[s] to ensure that new housing is not wrenchingly different from its neighbor, and sensitive transitions are provided from use to use, and from lower densities to higher densities." To be sensitive to surrounding large-lot development, these two lots are proposed to be about double the otherwise-required minimum lot size. For a graphic presentation of the lot within the neighborhood, see the informational enclosure entitled "Neighborhood Parcel Acreage Map."

Land Use Goal 9: Avoidance of Creation of parcels not practically developable and elimination of such parcels where they already exist.

Both parcels will meet or exceed minimum building envelopes for the R-1-10 (H-I) district. Future development of typically permitted residential uses on each parcel will be practical.

Zoning Regulations: Based upon the General Plan density calculation above, the scenario most in technical conformance with the Municipal Code would be one in which this subdivision would result in the creation of four R-1-10 (H-I) lots, each just larger than 10,000 square feet, for this 45,302 square foot lot. However, the convergence of corner lot siting requirements, land slope, and odd existing shape constrains the subdivision proposal.

- Because lot one will be on a corner lot, the R-1-10 district, per FMC §8-2605(c) requires a minimum twenty-five foot front yard setback, eight-foot interior side yard setback, and thirty-five foot rear yard setback. The typical width of a corner lot in the R-1-10 district is eighty feet, and FMC §8-1515 (5) and §8-2605(f) combine to require a minimum side-street side yard of twelve and one-half feet. The H-I district requires modifications to the minimum lot widths and areas based upon the slope of a property. Measured in accordance with §8-21823, the lot slope is approximately ten percent. Therefore, the minimum lot width, per §8-21822(b), would be ninety-seven feet. As proposed, the first 122 feet of the side yard complies with the required lot width, while the rear ninety-two feet slants away from the proposed Lot Two by twenty-one degrees so as to provide minimum separation between the existing pool and the property line.
- Lot Two, while becoming generally pie-shaped, has an existing one-story home that will conform to the minimum setbacks once the garage and family room are demolished in order to provide an adequate setback.

Circulation/Access Analysis: Both lots would take access from Ocotillo Court. Each would be furnished with its own driveway, and the "Hollywood" driveway in front of the existing home will be removed and replaced with access serving a new garage on Lot Two (provision of which is a condition of approval).

Future Site Development Requirements:

- **Partial Demolition of Existing Home:** Prior to demolition, the property owner would be required to acquire a demolition permit along with any appropriate air quality control permits from the Bay Area Air Quality Management District.
- **Landscaping:** Future site development will be subject to City Landscape requirements and codes. In addition, tree removal associated with site development shall be subject to review and approval by the City's Senior Landscape Architect.

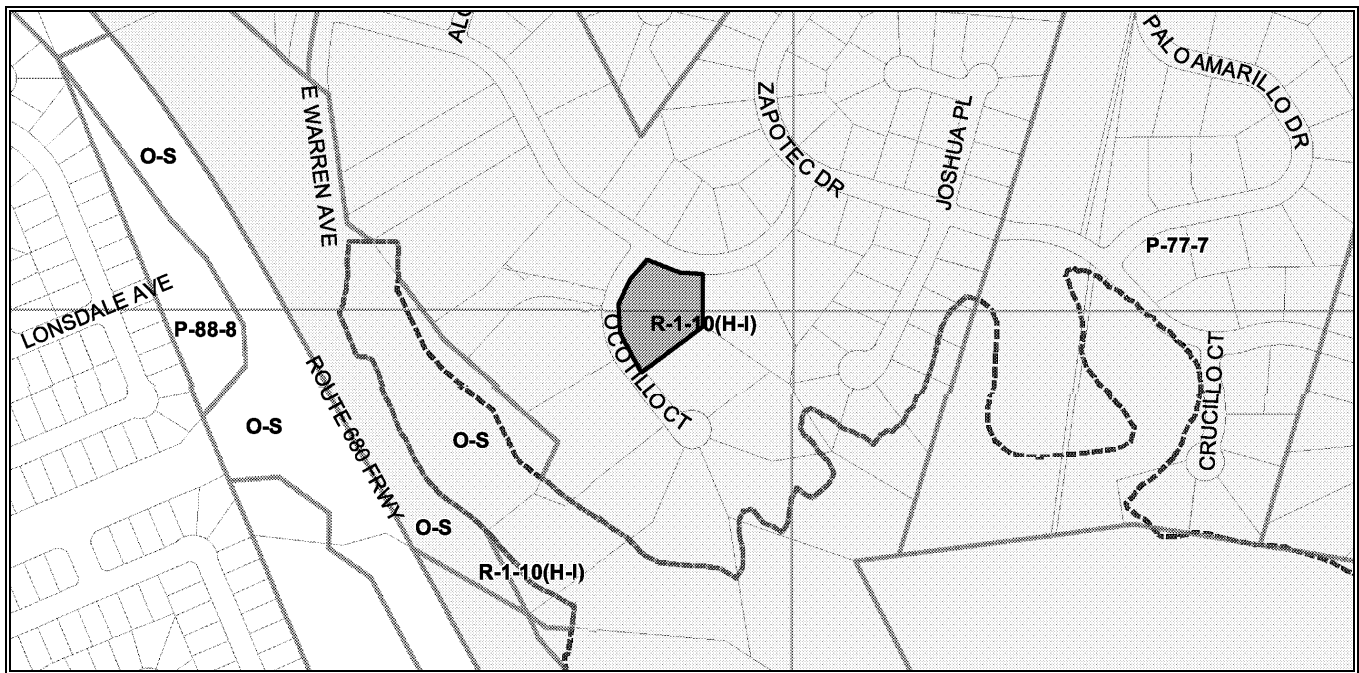
- Environmental Analysis:** This project is categorically exempt from environmental review under section 15315 of the CEQA Guidelines, relating to minor land division.

Enclosures: Exhibit "A" Staff-amended Tentative Parcel Map 8811
Informational Neighborhood Parcel Acreage Map

Exhibits:	Exhibit "A"	Staff-amended Tentative Parcel Map 8811
	Exhibit "B"	Findings and Conditions of Approval

1. Hold public hearing.
2. Find Tentative Parcel Map 8811 is categorically exempt from environmental review per Section 15315 of the CEQA Guidelines--relating to minor land divisions.
3. Find that the Tentative Parcel Map, as shown on staff-amended Exhibit "A", is in conformance with the relevant provisions contained in the City's existing General Plan. These provisions include the designations, goals and policies set forth in the General Plan's Fundamental Goals and Land Use Chapter as enumerated within the staff report.
4. Approve Tentative Parcel Map 8811, as shown on staff-amended Exhibit "A", subject to findings and conditions on Exhibit "B".

Existing Zoning
Shaded Area represents the Project Site



Existing General Plan

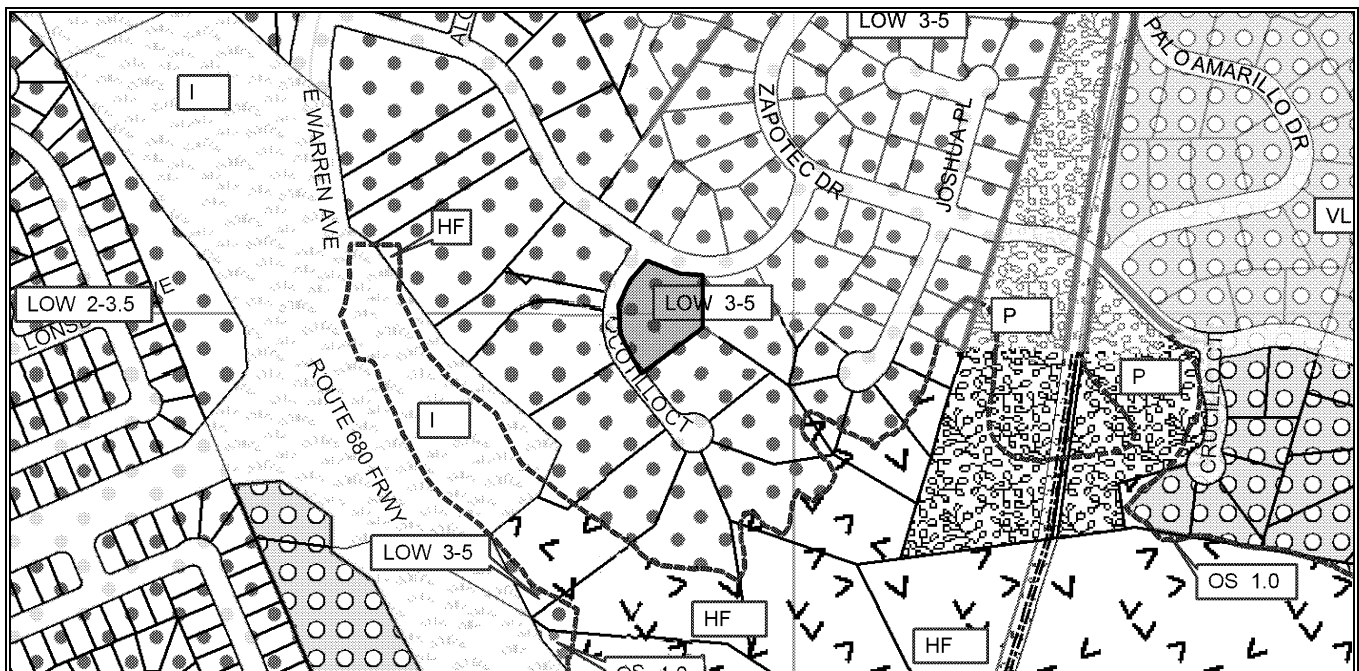


EXHIBIT "B"
Findings and Conditions of Approval
TENTATIVE PARCEL MAP 8811 (TPM-8811)
46970 Ocotillo Court

FINDINGS

The findings below are made on the basis of information presented at the public hearing and contained in the staff report to the Planning Commission dated December 8, 2005, incorporated hereby.

1. The proposed map satisfies the requirements and conditions imposed by the Subdivision Map Act and the City of Fremont Subdivision Ordinance because the procedural requirements of the Map Act are being followed and the proposed lots conform to the standards set forth in the Subdivision Ordinance.
2. The proposed subdivision, together with the provisions of its design and improvement, is consistent with the General Plan since the proposed lot configuration is in conformance with the Low Density Residential (3-5 dwelling units per acre) requirements of the General Plan.
3. The site is physically suitable for the type and proposed density of the development since the proposed lot configuration is in conformance with the Low Density Residential [R-1-10 (H-I)] requirements of the Zoning Ordinance.
4. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because of the design and location of the development within an existing improved subdivision.
5. The design of the subdivision and the type of improvements are not likely to cause serious public health problems since the review process of the subdivision has taken those concerns into consideration and has found the proposal in conformance with the City of Fremont's policies.
6. The design of the subdivision and the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision. Acquisition of any new easements is required prior to final parcel map approval.

CONDITIONS:

1. Conformance with staff amended Exhibit "A", attached hereto and made a part hereof.
2. This Tentative Parcel Map (TPM) is being conditionally approved based on the accuracy of the information shown on Exhibit "A" and submitted with the TPM application. If any of the information is shown to be inaccurate subsequent to approval of the TPM by the City, such inaccuracy may be cause for invalidating this approval.
3. Only one final Parcel Map is allowed to accomplish the lot split proposed by this tentative parcel map. No "Phasing" of final parcel maps is allowed.
4. Site grading and drainage is subject to the approval of the Development Organization Engineer at the time of building permit issuance. Site grading must not obstruct natural flow from abutting properties or divert drainage from its natural watershed. The drainage area map developed for the drainage design for this project shall be based on the original drainage area map developed for the existing storm drain system and shall clearly indicate all areas tributary to the project site.
5. Pursuant to FMC Section 8-1300(e), a preliminary grading plan for the site may be required at the time of building permit application to determine whether the existing and/or proposed grading is in compliance with the requirements for grading and erosion control as set forth in the Grading Ordinance. Original and proposed final contours are required (at five-foot intervals where the ground slope exceeds 5% and at one-foot intervals where the ground slope is

less than 5%) to indicate the extent of the proposed grading. Site grading must not obstruct natural flow from abutting properties or divert drainage from its natural watershed.

6. Pursuant to FMC Section 8-3107(f), any improvements in the public right-of-way necessitated by the proposed use of the subdivided property can be deferred until building permit issuance. The necessary agreements, guarantees and plans for the construction of the improvements shall be subject to the approval of the Development Organization Engineer. A note referencing this future improvement obligation is to be placed prominently on the face of the final parcel map.
7. Pursuant to FMC Section 6-3104.5(h), this project is exempt from the requirements of the City of Fremont Underground Ordinance.
8. Utility service connections (including sewer and water) shall serve each lot across each lot's frontage. Existing service laterals shall be relocated and new services installed to the existing house on Lot 2. Developer shall install new utility services to both lots prior to approval of the final parcel map.
9. Review of the tentative map by the Fire Department relative to local and State Fire Code is based on the material submitted. The on-site and/or off-site fire hydrants were required, as per tentative parcel map annotations, in accordance with Fremont Fire Code Article No. 13.
10. No trees have been proposed to be removed as part of this Tentative Parcel Map Application. Future removal of existing trees over four inches in diameter, excluding nut bearing and fruit-bearing trees except for olive trees, shall be subject to the approval of the Senior Landscape Architect for the City. The precise location of such existing trees shall be shown on the site plan and/or landscape plan at the time of building permit application.
11. The subdivider is required to provide a cash payment to the City of Fremont for microfilming the recorded parcel map. The subdivider is also required by ordinance to provide the City with a Mylar copy of the recorded parcel map subsequent to its recordation.
12. Provide a letter from Alameda County Water District giving the location and sealing specifications for all water wells within the subdivision boundary. If there are no wells, a letter so stating must be provided.
13. Building and Zoning considerations require an eight-foot (8') side yard building setback for the existing one-story residence. The portion of the existing building that encroaches into this setback on Lot Two shall be demolished prior to approval of the final parcel map.
14. Article 20 of the Fremont Zoning Ordinance requires covered parking spaces for each dwelling unit. A new garage on Lot Two adequately serving the existing residence at 46970 Ocotillo Court shall be constructed prior to approval of the final parcel map. In addition, the existing curved driveway crossing the property line shall be removed and reoriented in conformance with the Fremont Municipal Code prior to approval of the final parcel map.
15. Any development on this site will be subject to Citywide Development Impact Fees. These fees will include fees for fire protection, capital facilities, park facilities, parkland dedication in-lieu for the newly created lot, and traffic impacts for the new dwelling on the new lot. The fees shall be calculated at the rate in effect at the time of building permit issuance. The fees will be collected prior to building permit approval.
16. Construction Hours will be limited in accordance with Section 8-2205 of the Fremont Municipal Code, and notes to this effect shall be placed on the cover sheet of any future site development plans submitted to the City for review.
17. In accordance with Section 66474.9(b) of the Subdivision Map Act, the subdivider shall indemnify and hold harmless the City of Fremont or its agents, officers, or employees from any claim, action, or proceeding against the City of Fremont or its agents, officers, or employees to attack, set aside, void, or annul an approval of the City of Fremont, advisory agency appeal board, or legislative body concerning a subdivision, which action is brought within the time period provided for in Section 66499.37.

The City of Fremont shall notify the subdivider as soon as reasonably possible of any claim, action, or proceeding filed with or against the City to attack, set aside, void or annul the City's approval and the subdivider shall cooperate fully in the defense.

SUBDIVIDER PLEASE NOTE:

The fees, dedications, reservations and/or other exactions imposed on this project are those listed in the foregoing conditions of tentative parcel map approval. Any fee, dedication, reservation or other exaction is deemed imposed on the date of this tentative parcel map approval. The subdivider is hereby notified that the 90-day period in which the subdivider may protest these fees, dedications, reservations and other exactions pursuant to Government Code Section 66020(a) begins on the date they are imposed. If the subdivider fails to file a protest within this 90-day period complying with all the requirements of Government Code Section 66020, the subdivider will be legally barred from later challenging such actions.